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HOUSE BILL 516

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

VINCE MARTINEZ

AN ACT

RELATING TO RECORDS; ENACTING THE ELECTRONIC AUTHENTICATION OF DOCUMENTS ACT; CREATING A CENTRAL REGISTRY FOR AUTHENTICATING ELECTRONIC DOCUMENTS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the "Electronic Authentication of Documents Act".

Section 2. PURPOSE. -- The purpose of the Electronic Authentication of Documents Act is to:

- A. provide a centralized, public, electronic registry for authenticating electronic documents by means of a public and private key system;
- B. promote commerce; and
- C. facilitate electronic information and document transactions.

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1           Section 3. DEFINITIONS. --As used in the Electronic  
2 Authentication of Documents Act:

3           A. "archival listing" means entries in the register  
4 that show public keys that are no longer current;

5           B. "authenticate" means to ascertain the identity of  
6 the originator, verify the integrity of the electronic data and  
7 establish a link between the data and the originator;

8           C. "document" means any identifiable collection of  
9 words, letters or graphical knowledge representations,  
10 regardless of the mode of representation. "Document" includes  
11 correspondence, agreements, invoices, reports, certifications,  
12 maps, drawings and images in both electronic and hard copy  
13 formats;

14           D. "electronic authentication" means the electronic  
15 signing of a document that establishes a verifiable link between  
16 the originator of a document and the document by means of a  
17 public key or private key system;

18           E. "key pair" means a private key and its  
19 corresponding public key that can verify an electronic  
20 authentication created by the private key;

21           F. "office" means the office of electronic  
22 documentation;

23           G. "originator" means the person who signs a  
24 document electronically;

25           H. "person" means any individual or entity,

1 including:

2 (1) an estate, trust, receiver, cooperative  
3 association, club, corporation, company, firm, partnership,  
4 joint venture or syndicate; and

5 (2) any federal, state or local governmental  
6 unit or subdivision or any agency, department or instrumentality  
7 thereof;

8 I. "private key" means the code or alphanumeric  
9 sequence used to encode an electronic authentication that is  
10 known only to its owner and that is the part of a key pair used  
11 to verify an electronic authentication;

12 J. "public key" means the code or alphanumeric  
13 sequence used to decode an electronic authentication that is the  
14 part of a key pair used to verify an electronic authentication;

15 K. "public and private key system" means the  
16 hardware, software and firmware provided by a vendor for the  
17 following purposes:

18 (1) to generate public and private key pairs;

19 (2) to produce a record abstraction by means  
20 of a secure hash code;

21 (3) to encode a signature block and a record  
22 abstraction or an entire document;

23 (4) to decode a signature block and a record  
24 abstraction or an entire document; and

25 (5) to verify the integrity of a document;

1           L. "record abstraction" means a condensed  
2 representation of a document that is prepared by using a secure  
3 hash code;

4           M. "register" means a database or other electronic  
5 structure that binds a person's name or other identity to a  
6 public key;

7           N. "revocation" means the act of notifying the  
8 secretary that a public key has ceased or will cease to be  
9 effective after a specified time and date;

10          O. "secretary" means the secretary of state;

11          P. "secure hash code" means a mathematical algorithm  
12 that, when applied to an electronic version of a document,  
13 creates a condensed version of the document that makes it  
14 computationally impossible to identify or re-create without  
15 essential knowledge of that document; and

16          Q. "sign" or "signing" means the execution or  
17 adoption of any symbol by a person with the intention to  
18 establish the authenticity of a document as his own.

19           Section 4. OFFICE OF ELECTRONIC DOCUMENTATION--POWERS AND  
20 DUTIES.--The "office of electronic documentation" is established  
21 under the secretary of state. The office shall maintain a  
22 register of public keys for electronic authentications made in  
23 accordance with standards adopted pursuant to the provisions of  
24 Section 14-3-15.2 NMSA 1978. The office shall register public  
25 keys for public officials, persons who wish to transact business

1 with the state and any other person when registration will  
2 promote the purposes of the Electronic Authentication of  
3 Documents Act. The register shall include both current listings  
4 and archival listings.

5 Section 5. REGULATIONS. --

6 A. The secretary shall adopt regulations to  
7 accomplish the purposes of the Electronic Authentication of  
8 Documents Act.

9 B. The regulations shall address the following  
10 matters:

- 11 (1) registration of public keys;
- 12 (2) revocation of public keys; and
- 13 (3) reasonable public access to the public keys  
14 maintained by the office.

15 C. The regulations may address the following  
16 matters:

- 17 (1) circumstances under which the office may  
18 reject an application for registration of a public key;
- 19 (2) circumstances under which the office may  
20 cancel the listing of a public key; and
- 21 (3) circumstances under which the office may  
22 reject an attempt to revoke registration of a public key.

23 Section 6. CONTRACTING SERVICES. --The secretary may  
24 contract with a private, public or quasi-public organization for  
25 the provision of services under the Electronic Authentication of

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1 Documents Act. A contract for services shall comply with  
2 regulations adopted pursuant to the Electronic Authentication of  
3 Documents Act and the provisions of the Public Records Act and  
4 the Procurement Code.

5 Section 7. APPROPRIATION. -- Seventy-two thousand dollars  
6 (\$72,000) is appropriated from the general fund to the secretary  
7 of state for expenditure in fiscal year 1997 for the purpose of  
8 carrying out the purposes of the Electronic Authentication of  
9 Documents Act. Any unexpended or unencumbered balance remaining  
10 at the end of fiscal year 1997 shall revert to the general fund.

11 Section 8. EFFECTIVE DATE. -- The effective date of the  
12 provisions of this act is July 1, 1996.

# State of New Mexico House of Representatives

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

February 5, 1996

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 516

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 2, line 17, strike "or" and insert in lieu  
thereof "and".

2. On page 3, line 11, strike "verify" and insert in lieu  
thereof "create".

3. On page 4, line 14, after "re-create" insert "the  
document".,

and thence referred to the APPROPRIATIONS AND FINANCE  
COMMITTEE.

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

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Respectfully submitted,

\_\_\_\_\_  
Cisco McSorley, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Sanchez, R. G.

Absent: Alwin, Baca, Larranaga

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# **State of New Mexico House of Representatives**

**FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996**

**February 12, 1996**

**Mr. Speaker:**

**Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
whom has been referred**

**HOUSE BILL 516, as amended**

**has had it under consideration and reports same with  
recommendation that it DO PASS.**

**Respectfully submitted,**

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**Max Coll, Chairman**

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FORTY- SECOND LEGISLATURE  
SECOND SESSION, 1996

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 17 For 0 Against

Yes: 17

Excused: Townsend

Absent: None

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

February 14, 1996

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 516, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

\_\_\_\_\_  
Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

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FORTY- SECOND LEGISLATURE  
SECOND SESSION, 1996

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Date \_\_\_\_\_

The roll call vote was 8 For 0 Against  
Yes: 8  
No: 0  
Excused: Donisthorpe, Duran, Ingle, Kidd, Kysar  
Absent: None

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Underscored material = new  
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